

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD AUTHORIZING THE CITY MANAGER AND COMMUNITY DEVELOPMENT DIRECTOR TO CONTINUE TO WORK WITH FRED W. FIELDS AND THE TIGARD-TUALATIN SCHOOL DISTRICT IN EXPLORING OPTIONS FOR A MUTUALLY BENEFICIAL REAL ESTATE TRANSACTION INVOLVING THE HALL BOULEVARD BUS STORAGE SITE AND THE FIELDS PROPERTY.

WHEREAS, the City Council recognizes that the City could benefit from consolidation of public works facilities; and

WHEREAS, the City Council is aware that the Tigard-Tualatin School District is examining options to replace its bus storage site, located at 13000 S.W. Hall Boulevard, Tigard, because of inherent access issues and because the site is not large enough to accommodate all of the District's busses; and

WHEREAS, the City and the District have made efforts over the last several years to explore options for meeting their respective land needs; and

WHEREAS, Mr. Fields has expressed a desire to purchase from the District the Bus Storage Site to provide access to adjacent property within the Fields Property; and

WHEREAS, there may be some cost efficiencies in the City's public works facilities and a new District bus storage site being located near to each other within the Fields Property; and

WHEREAS, a non-binding Memorandum of Understanding ("MOU") has been prepared to establish the District's, the City's and Mr. Fields' understanding of the needs of each party and the process by which the parties will endeavor to proceed with a further exploration of the options available to meet the parties' needs through the use of the Fields Property and the Bus Storage Site, attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council hereby authorizes the City Manager and Community Development Director to proceed with discussions and negotiations that may lead to a mutually acceptable real estate transaction involving the Bus Storage Site and the Fields Property.

SECTION 2: The City Manager and Community Development Director shall report to the City Council from time to time on progress made in those discussions and negotiations.

SECTION 3: The City Manager shall bring any tentative offers and purchase and sale agreements back to the City Council for its review and approval.

SECTION 4: The MOU is not a binding document against the City, and no part of any negotiations or discussions with respect to this matter shall be binding on the City unless agreed to by the City.

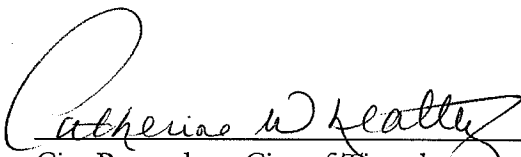
SECTION 5: This resolution is effective immediately upon passage.

PASSED: This 14th day of August 2007.



Mayor City of Tigard

ATTEST:



City Recorder - City of Tigard

Exhibit A

MEMORANDUM OF UNDERSTANDING

PARTIES TO THE MEMORANDUM:

Fred W. Fields
1149 SW Davenport
Portland, OR 97201

“Fields”

City of Tigard
c/o Craig Prosser
City Manager
13125 SW Hall Blvd.
Tigard, OR 97223

“City”

Tigard/Tualatin School District 23J
Rob S. Saxton
Superintendent
Larry Hibbard Administrative Center
6960 SW Sandburg Street
Tigard, OR 97223

“School District”

The Parties to this Memorandum of Understanding each has real property needs within the City of Tigard. The purpose of the Memorandum of Understanding is to outline the Parties' needs and provide a process which enables the Parties to work towards a solution for all Parties to this memorandum to fulfill their needs. The definitions of the respective Parties' needs are as follows:

NEEDS:

1. Fields owns the following lots:

- a. North of railroad tracks:
 - i. Tax Lot 1100, 13.21 acres
 - ii. Tax Lot 800, 24.32 acres; these two parcels are zoned industrial park (I-P) and serviced from Hunziker Road and accessed by a private road owned by Fields. This road is in the process of being improved to a 24 foot two-way, right of way.
 - iii. Tax Lot 300, 3.11 acres; fronting Hunziker Road; zoned commercial park (C-P)
 - iv. Tax Lot 004, south of Tax Lot 300, 2.0 acres; zoned residential (R-3.5).

- b. South of railroad tracks:
 - i. Tax Lot 1200, 26.32 acres; zoned light industrial. (I-L)

Fields believes the above properties may be developed to their highest and best use under a revised master plan to include substantially more residential. Fields also does not have access appropriate to the commercial development under the current zoning and/or any future zoning changes that may include more residential use. Fields desires to position the approximately 70 acres of land for development in a manner satisfactory to Fields and the City. To do so Fields seeks support from the City of Tigard within the same spirit documented in the sale of land by Fields to the City for its public library.

- 2. The School District currently owns Tax Lot 500, 8.41 acres south of the railroad tracks, of which more than 50% may not be useable due to wetland issues. The property has access from SW Hall Boulevard. School District currently needs additional property, approximately eight acres, for purposes of the maintenance and parking of the School District's buses. In addition there is some concerns with regard to traffic congestion created by the buses departing from their property onto Hall Boulevard. Any future location will require the construction of a maintenance facility to replace the existing facility.
- 3. City of Tigard has multiple locations for its Public Works facilities scattered throughout the city. The City desires and believes there are economic efficiencies to be gained by consolidating the public works maintenance facilities onto a single property. It is estimated the City may need up to ten acres with facilities to be constructed.
- 4. There is the possibility that the City and the District might achieve future savings by combining the maintenance facilities for the School District and the City of Tigard's Public Works.

PROCESS:

- 1. Fields, working with the Parties to this memorandum, will prepare a master plan for the entire property to and including appropriate zoning and comprehensive plan changes to include residential development which may be more appropriate, i.e. the portion of the property that abuts residential and has the greatest severity of contour change.
- 2. Fields seeks commercial access for the parcel south of the railroad tracks. Fields and the City previously executed an easement and an agreement of cooperation whereby the City would cooperate with Fields in resolving access issues. Without deferring any of these agreements, the Parties herein seek a more viable option to provide access. A possible solution to the access needs of Fields is the acquisition of the School District property. In addition, Fields will need

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commercial access to the property north of the railroad tracks from Hunziker via a dedicated street currently privately held. This concept will be studied including the creation of a public right of way with dedications to the appropriate municipality. It may also be appropriate to study access from SW Varnes Street and SW Tech Center Drive for the property north of the railroad tracks.

3. School District will need a larger site (up to 8 acres) and more appropriate location for access purposes to mitigate it's current traffic congestions on SW Hall. Fields has property available that appears to be acceptable for relocating the School District's bus maintenance and parking needs.
4. City of Tigard's needs with regards to consolidation of their Public Works maintenance facilities can also be accommodated on Fields property.

ACTIONS:

Fields will prepare a master plan to submit to the City with the intention of moving towards the following:

1. Applications for approvals allowing Fields to proceed with the development of his parcels referenced above. These applications may include a master comprehensive plan and zoning change and access to Fields property, including all planning and approvals necessary for permitting of the to be agreed upon allowable uses.
2. City of Tigard Staff will investigate the amount of land and building required for the consolidation and relocation of its various Public Works facilities currently spread throughout the City of Tigard. A tentative timetable will also be developed. The concept is to sell land to the City of Tigard from within the Fields holdings to accommodate the City of Tigard's needs. Fields and City will agree as to the location of the property within Fields holdings north of the railroad tracks.
3. School District will appraise its property in order to evaluate the option of transferring the real estate to accommodate Fields' needs for access in exchange for a site within Fields holdings to provide the School District expansion, shop maintenance facility, and traffic mitigation needs. Any difference in land values will require cash consideration. The Parties hereto will study a site within Fields holdings north of the railroad tracks.
4. All Parties to this transaction will work in good faith with a sense of urgency to develop a plan which could produce an agreement in which the School District receives a site to house and maintain its busses; Fields receives commercial access and the appropriate master plan change and zoning to allow permitting for the uses mutually agreed by Fields and the City. The City may agree to consolidate its Public Works facilities on Fields property on a site and at a price to be

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mutually agreed upon by Fields and the City. All values will be mutually agreed upon and with the appropriate support required by public agencies.

The foregoing is an outline of non-binding discussion points among the Parties. No Party will be bound in any manner by this memorandum of understanding unless an agreement among the Parties has been fully negotiated, executed, and delivered.